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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 19th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 11 February 1994, at 3 p.m.

Chairman: Mr. NEAGU (Romania)

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Question of the realization of the right to development (continued)

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The meeting was called to order at 3 20 p.m.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT:

(a) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS (agenda item 7) (continued) (E/CN.4/1994/17, 18*, 19 and Add.1, 20 and 100; E/CN.4/1994/NGO/6; E/CN.4/1993/16; A/CONF.157/PC.73)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 8) (continued) (E/CN.4/1994/21 and Corr.1 and 2; E/CN.4/1994/99*)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 15) (continued) (E/CN.4/1994/67 and 68; E/CN.4/1993/3 and CCPR/C/2/Rev.3)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 16) (continued) (E/CN.4/1994/69 and 101; A/CONF.157/PC/62/Add.11/Rev.1; A/CONF.157/TDB/4 and Add.1)

1. Ms. BOUVIER (Minority Rights Group) said that the Declaration on the Right to Development made it clear that it was an inalienable human right that had to be applied to every human person and to all peoples. The right to land was a crucial issue for the development of many peoples and was the focus of serious conflicts. In 25 years of research on different minority and indigenous peoples, the Minority Rights Group had shown that land ownership was one of the foremost problem areas faced by those communities. Over the next decade, many parts of the world were likely to experience growing ethnic and religious conflicts involving the territorial claims of different minority groups. Discrimination in access to land could be an important factor fuelling inter-community tension, especially where a dominant group exercised control over the most fertile lands and secured the labour supply necessary to exploit them from weaker groups which had been dispossessed. In Latin America and parts of Asia, many people had been forced by economic destitution to move into shanty towns and in many cases a pattern had emerged of land concentration in the hands of a few individuals or large companies. Throughout Africa there was also an increasing trend towards privatization at the expense of ethnic minorities. In the Philippines the indigenous communities had gradually been completely dispossessed of their land and consequently denied any development perspective. The concept of "ancestral" or "communal" land had for a long time been unrecognized and indigenous territories had never been registered. The so-called development programmes recently embarked upon by the Government regrettably did not take into account the needs of the indigenous communities; all that had led to violent

confrontations, especially with the Lumad and Moro communities. The Minority Rights Group therefore urged the Government of the Philippines to recognize de facto and de jure the ancestral domain of the indigenous communities and to consult with those communities in its development policies.

2. In Latin America some attempts had been made in the 1960s and 1970s within the framework of agrarian reform programmes to increase the size of indigenous communal land areas. The indigenous peasants, however, had generally derived few benefits from those programmes. The situation had been further aggravated by the structural adjustment policies whose only result had been to accentuate social injustices, especially in Mexico where the population of the State of Chiapas had recently joined in a rebellion to obtain, inter alia, the return of its land. The Minority Rights Group welcomed the way in which the Mexican Government was currently endeavouring to respond to the demands of those communities and to ensure that their members exercised their right to development.

3. The movement of people had been another instrument used to attack the land rights of minorities and it led to many conflicts. For example, the desire of the Crimean Tatars to return to the land from which they had been driven was currently causing severe tensions. Similarly, many Kurds had been moved in the 1980s and the draining of the marshes in southern Iraq had been a dubious manoeuvre to drive out the Shi'ite population. Some States, like China vis-à-vis Tibet, had also encouraged internal population movements and the colonization of certain regions in order to modify their ethnic composition.

4. The Minority Rights Group called upon the world community to make new efforts to eliminate rural poverty by addressing the territorial conflicts that were a cause of violence, gave rise to refugee problems and led to urban poverty. It recommended that the Working Group should focus its attention on the question of land rights in order to protect minorities from the powerful, including the multinational corporations.

5. Mr. KOTHARI (Habitat International Coalition) said that present-day economic policies led to expropriations and forced evictions. Habitat International Coalition therefore welcomed the study on forced evictions by the Secretary-General (E/CN.4/1994/20) which deserved greater attention on the part of the Commission. The distinction drawn in paragraph 39 between forced evictions and population transfers, expulsions of aliens from a national territory and the phenomenon of internally displaced persons was particularly noteworthy. On various occasions Habitat International Coalition had brought to the notice of the Commission cases of evictions of people carried out, without prior warning, without clear cause and without any compensation. Those affected by such measures had no legal recourse, did not qualify for refugee status and had nowhere to go. The distinction was important because the practice of forced evictions was extremely common in countries that professed to have acquired democratic institutions and it occurred in peacetime. However, evictions had the same consequences as if they had taken place in wartime or during an ethnic conflict, as was shown by three recent cases in India, Brazil and Mexico.

6. In Bombay, on 31 January 1994, 200 families had been brutally evicted from the pavement settlement in which they had been living. Nearly 200 police personnel and 50 municipal workers had been recruited to demolish the small makeshift shelters which served as their housing. It was the fifth such occurrence, for notwithstanding the successive evictions, those families had always returned to settle in the same neighbourhood for the sake of their survival. Those practices violated various articles in the Indian Constitution and were in contravention of the recommendations made by the Commission in resolution 1993/77 on forced evictions. It was evident that nothing was being done in India to try to settle the situation of pavement dwellers other than by eviction. Millions of India's citizens, in urban as well as rural areas, lived under the threat of eviction, through development and building projects such as that of the Sardar Sarovar Dam in the Narmada Valley or the road building project in Maharashtra State which was going ahead despite the objections put forward by the Ministry of Environment and Forests. Those examples showed that the principles on which the right to development was based were totally disregarded. Rio de Janeiro was becoming the more segregated city in South America; the poor were being systematically evicted from the coastal areas and driven into remote parts of the city where opportunities of earning a living were few and far between. The action to combat those evictions waged by the Brazilian Movement Defence of Life and a number of local community organizations to protect the threatened communities had resulted in violent social upheaval and confrontations with the police during which 27 community leaders had been killed. However, in several public statements the Mayor of Rio had left no doubt that the evictions would go ahead, although no resettlement programme was scheduled for the inhabitants of the targeted neighbourhoods.

7. In Mexico, the recent rebellion in the State of Chiapas was merely the logical outcome of persistent violations of the rights of the indigenous peoples to land, housing, livelihood, health and of their right to participate in the democratic institutions of Mexico. The revolt by the "Zapatistas" was not surprising as they were aware that the North American Free Trade Agreement (NAFTA) would only mean further privations for them and their eviction from the small plots of lands which currently formed the basis for their subsistence. It was worth noting that in the concluding observations following its consideration of the periodic report of Mexico, in 1992, the Committee on Economic, Social and Cultural Rights had recommended that the "State party" should take energetic steps to mitigate any negative impact that the North American Free Trade Agreement might have on the enjoyment of the rights set out in the Covenant.

8. Those examples merely shed light on a phenomenon that was far more widespread than one might think; Habitat International Coalition therefore welcomed the recommendations in the report by the Secretary-General concerning the measures to be taken in order to prevent evictions, and in particular those enforcing housing rights and guaranteeing security of tenure to all, a concept which had become increasingly entrenched in the legal interpretation of the right to housing. The issue of the link between forced evictions and the right to housing needed more detailed consideration and the Sub-Commission's Special Rapporteur on promoting the realization of the right to adequate housing should address that issue in his next report. At its fifty-first session the Commission should consider appointing special

rapporteurs on each of the rights contained in the International Covenant on Economic, Social and Cultural Rights and it should adopt, at its current session, a resolution calling for the question of human rights to be placed on the agenda of the World Summit for Social Development.

9. In the light of the information contained in the Secretary-General's report (E/CN.4/1994/17) and in numerous case studies on the adverse effects of debt adjustment policies, there was also an urgent need to set up a monitoring mechanism to assess the programmes and policies of the international financial institutions (World Bank and IMF) and trade agreements (GATT and North American Free Trade Agreement). The Commission might also recommend that its Working Group on the Right to Development should study the impact of those global institutions on the shaping of development policies in various countries. In conclusion, he reiterated that the Commission should treat economic, social and cultural rights on an equal footing with civil and political rights. To neglect them could only lead to the emergence of situations similar to those that had been described.

10. Mr. CORNILLON (Inter-Parliamentary Union), speaking on agenda items 15 and 16, drew the Commission's attention to the role that parliaments played in ratifying and implementing international human rights instruments. As matters stood, the role of parliaments began only after the executive power had signed a treaty. It was, however, imperative that they should be more involved in the work of Governments within the major international forums, such as the Commission, in which the position of the international community was worked out. The legislative power could ensure in an effective way that international decisions were implemented at the national level only if it was more closely involved in negotiating international instruments. Regrettably, that partnership was not yet the rule. In some countries, parliament was not even apprised of the Government's intentions with respect to a particular international instrument or the reasons why it failed to submit an instrument which it had signed for national ratification. That was why, at the Symposium on the topic of "Parliament: Guardian of Human Rights" held at Budapest in May 1993, the members of the Inter-Parliamentary Union had agreed that, in the context of their activity of monitoring the Government, parliamentarians should take the initiative of questioning it about the grounds for its position vis-à-vis a particular international instrument. In some countries, the law already made provision for the Government to give parliament explanations along those lines and it would be advisable for there to be legal provisions of that kind everywhere, as the Inter-Parliamentary Council had suggested in a resolution adopted in September 1992.

11. The Inter-Parliamentary Union had also advocated setting up in each country machinery for a periodic review by parliament of the reservations put forward at the time when an international human rights instrument was ratified, with a view to lifting them since they sometimes made the act of ratification quite meaningless. The Inter-Parliamentary Union had also proposed setting up in each country a body responsible for analysing the extent of the implementation of international human rights standards; such a study would considerably simplify parliament's monitoring activity. Finally, the Inter-Parliamentary Union had taken the view that the human rights commissions set up within many parliaments and whose establishment and activities it strongly encouraged, could play a useful and effective role in

ensuring that the bodies created under international human rights instruments functioned well. Parliaments should receive the reports submitted to those bodies, for information, as well as the opinions, decisions and recommendations issued by them. The public would thus be assured that those it had elected were ensuring that the State complied with its international obligations and in that way strove to strengthen the bases of democracy.

12. Mrs. SLESZYNSKA (Christian Democratic International) said that the exercise of the right to development was subject to a number of essential preconditions. There could be no development in countries where war, widespread violence or anarchy prevailed or in countries where the population was subjected to the high-handedness of a dictator or an anti-democratic and repressive regime. Neither could there be development in countries subjected to an embargo or a blockade, sometimes imposed for reasons other than those that were publicly stated. A question of principle and coherence was involved. It was incomprehensible that some nations adopted a contradictory approach in their economic relations with China, Haiti, Viet Nam or Cuba. It was quite clear that economic sanctions and embargoes hampered the democratization processes instead of promoting them.

13. Poverty and social exclusion were, unfortunately, phenomena not confined to the countries of the third world. Poverty had made its appearance in many industrialized countries, such as France where there were 1.4 million impoverished and outcast persons or the United States where millions of people lived in poverty or even below the poverty line. To be sure, the term "poverty" did not have the same meaning in Europe and in the countries of the third world, since in a developed country a poor person usually had access to a minimum amount of relief which a poor person in the Sudan, Liberia or Haiti would be hard put to imagine.

14. Development required a modification in international trade as well as alterations at the national level, for instance, legislative and institutional reforms, the introduction of stringent budgetary and fiscal policies, a reduction in the expenditures on arms, the prevention and punishment of corruption and waste. However, economic development had to go hand in hand with social, individual and collective development. As long as the currently predominant neo-liberal design continued to be imposed at the level of concepts and politics, it would not be possible to reverse the process of the concentration of wealth in the hands of a few and the process of exclusion of the poor now seen in so many countries. That was why Christian Democrat International, for which social justice had always been a matter of priority importance, endorsed the convening of the World Summit for Social Development at Copenhagen in 1995 under the auspices of the United Nations and would participate fully in the Summit. It also intended, in conjunction with other political international organizations, to submit to the Secretary-General of the United Nations a joint communication on what it expected in practical terms from that event.

15. Ms. NUÑEZ DE ESCORCIA (Commission for the Defense of Human Rights in Central America) said that the situation in the Central American countries was marked by a worsening of social inequalities and the impoverishment of millions of people as a result of widespread administrative corruption and the implementation of structural adjustment policies. According to data published

by the United Nations Development Programme (UNDP), of the 30 million inhabitants of the Central American countries, 20.5 million lived in poverty, 14 million of them in extreme poverty. According to the same information over the years, Guatemala, Honduras, El Salvador, Nicaragua and even Costa Rica had been classified as poor countries.

16. The structural adjustment policies had resulted in a new kind of repression, namely, economic repression. Throughout the region, the rate of unemployment was unprecedented, and the purchasing power of wage-earners was plummeting. The right to health and the right to education, in particular were being brought into question by the worsening living conditions. Many peasants had been deprived of their land and consequently of their means of subsistence.

17. The States of Central America were scarcely mentioned on the front pages of the newspapers nowadays as people thought that, with the war over, they now enjoyed peace and progress. But how was it possible to talk about peace in El Salvador, for example, when, as the independent expert had stated in his last report, only 15 per cent of the land had been distributed, while one of the reasons for the war had been the fact that land was concentrated in the hands of 14 families. How was it possible to talk of peace in Nicaragua when thousands of people demobilized from the army or having left resistance movements were now in the streets, with neither work nor shelter, without any possibility of returning to an active life? It was not enough, however, to list the wrongs; the responsibilities, too, needed to be established.

18. The Governments of those States undoubtedly bore very great responsibility and the peoples affected should make that plain to them, not as the Committee on Economic, Social and Cultural Rights had told the Nicaraguan Government, when it had submitted its report, that it could not reasonably invoke structural adjustment measures to justify its failure to protect the fundamental rights of the population. The Commission for the Defense of Human Rights in Central America considered it important to establish the various levels of responsibility for violations of economic, social and cultural rights, from the corrupt local official to the members of the international community, by way of national Governments.

19. The policies of the International Monetary Fund and the World Bank were themselves violations of the rights established in the International Covenant on Economic, Social and Cultural Rights and the programmes imposed by those institutions were at variance with the Charter of the United Nations. The functions of the IMF and the World Bank should therefore be reconsidered as a matter of urgency to ensure that those two organizations, dominated by the rich countries, ceased to apply policies which were disastrous for and detrimental to millions of human beings. It would be paradoxical for United Nations bodies to continue to promote human rights conventions while the international financial institutions continued to hinder the exercise of the rights which those conventions established. The situation in Central America called for urgent action oriented towards new forms of the distribution of wealth. In conclusion she denounced as inhuman and criminal the economic blockade imposed by the United States of America against Cuba.

20. Mr. WAREHAM (International Association Against Torture) believed that it was more the lack of political will than the lack of resources that was an obstacle to the right to development. The misdistribution of resources between the affluent few and the destitute many was clearly visible both at the national and international levels. It was now called the North-South, or developed versus developing countries contradiction. Put more simply it was one of the effects of capitalism, now euphemistically called the free market.

21. In the so-called countries of the South, underdevelopment was all too obvious. Even within them, racism and discrimination helped to deny the indigenous peoples their right to development. It was particularly true of Guatemala, as the Independent Expert on human rights for that country had stated in her report. As far as the countries of the North were concerned, in the United States of America, people of colour, particularly those of African origin, faced de facto discrimination. Although at the conclusion of the Vienna Conference it had been hoped that the United States had finally acknowledged that development was a right, those hopes had been dashed when, barely two months later, the United States delegation, under the relative cover of an Economic and Social Council meeting, had once again opposed the resolution on the right to development. For the American authorities, that right was restricted to the individual. In fact to recognize the right to development would, for the United States, be to open Pandora's box and expose it to disruptions in the working of the free market and the present system of wealth distribution, and to pressure to ratify the International Covenant on Economic, Social and Cultural Rights.

22. Although black underdevelopment in the United States was relative, it was nevertheless a fact, as statistics proved. The community of African origin was a South within the North. The poverty rate for African-Americans, for example, was 33.3 per cent as against 11.6 per cent for whites; in the 20 to 24 age group, 21.6 per cent of blacks were unemployed compared with 9.2 per cent of whites. The difference between the conditions of black and white women was particularly striking. The life expectancy of a black woman in 1990 was 64.5 years, whereas for a white woman it was 72.7 years. That gap between the two communities was not accidental but was the result of a planned strategy on which the maintenance of capitalism depended, and which was comparable to the exploitation of Africa, Asia and Latin America by Europe.

23. The economic and social underdevelopment of the black population went hand in hand with cultural repression. The black culture that was exported, that of Michael Jackson and the basketball Dream Team, was only one aspect of the dominant American culture. That same culture in fact stifled the sense of community among black people. In popular music, women especially were belittled.

24. The International Association Against Torture had emphasized the attacks on African peoples' right to development in the United States because it believed that what the United States did at home, it would do abroad. The United States and its G7 allies influenced, or controlled, the international monetary institutions. Unless something was done to enforce the observance of economic, social and cultural rights in the so-called "developed world", the struggle to realize the right to development might well be in vain.

25. Mr. EYA-NCHAMA (International Movement for Fraternal Union among Races and Peoples) raised the question of international human rights instruments, focusing particularly on reservations and the succession of States. There could be no denying that human rights and fundamental freedoms were the heritage of all human beings and that States had a fundamental responsibility to promote and protect them. The principle that each State had an obligation to protect those under its jurisdiction had not been challenged at the Vienna Conference. It was therefore logical that all States should accede to the international human rights instruments without making any reservation.

26. Articles 19 to 25 of the Vienna Convention on the Law of Treaties of 23 May 1969 permitted States to enter reservations at the time of their accession to international treaties. However, where the protection of persons was involved, reservations were not easy to accept and were even less comprehensible at the present time when all States approved the principle that human rights should be protected. The approval by consensus of the Vienna Declaration and Programme of Action should be reflected in a wide-ranging accession - without reservations - by States to the international human rights instruments. Any State entering a reservation should explain its reasons and extent of their reservation to the international community and in every case do so as precisely and circumspectly as possible.

27. The question of the succession of States had not arisen when Africa was decolonized because in colonial times there were two distinct legal systems, one for the metropolis and the other for the colonies. When the European Convention on Human Rights was signed in 1950, Leopold Sedar Senghor had expressed the wish that it should be implemented in the colonies, but the European States had refused. The problem of the succession of States had existed in Europe since 1990, and was due to the fact that 15 republics of the former Soviet Union had become subjects of international law. Those republics should scrupulously respect the obligations undertaken by the USSR in respect of human rights. The international community should therefore recognize as a principle of international law that as far as human rights conventions were concerned, the successor State should respect the obligations entered into by the predecessor State. The demonstrations of intolerance currently seen in the republics of the former Soviet Union might be explained by the fact that the successor States in the Soviet Union did not respect the many treaties entered into by the latter.

28. Mr. SALDAMANDO (International Indian Treaty Council) said that throughout the Americas indigenous peoples were prevented from enjoying their right to development. Their present desperate situation was due to the centuries-old theft of their lands, the destruction of their cultures and religion and continuing genocidal policies. Colonial foreign settlers had become Governments and practices introduced in the name of God continued in the name of the free market. As the Commission had recognized in 1990, the greatest threat to the survival of indigenous peoples was not the lack of resources but the environmental destruction of their lands for the benefit of outside interests.

29. In Ecuador, for example, oil drilling conducted by the Texaco Oil Company, with the approval of the Government, had destroyed the ecosystem and the source of water that supported the indigenous people of the region. Water

pollution caused skin diseases, stomach ailments and even cancer among the indigenous communities. Yet the Government and Texaco still refused to clean up the toxins or even to compensate people whose lives had been so adversely affected.

30. In Brazil human rights violations against indigenous peoples, including the murder of those engaged in land struggles, were all too common. Business interests destroyed with impunity the delicate rain-forest ecosystem which had supported the indigenous peoples of Brazil since time immemorial. The International Indian Treaty Council deplored the Brazilian Government's failure to demarcate the long-promised land base for their indigenous peoples.

31. In Venezuela the Government remained indifferent to violence and intimidation directed against indigenous activists by private interests. In August 1993, along the border between Venezuela and Brazil, private business interests had massacred indigenous peoples for resisting encroachments on their traditional lands. The Government had delayed, if not impeded, the criminal investigation of the mass murder and those responsible had not been prosecuted.

32. In Guatemala the Mayan population had, over the past 500 years, suffered the most flagrant violations of their fundamental human rights, including the right to development. The recent report of the new Rapporteur for Guatemala, Mrs. Monica Pinto, referred to various endemic problems: the militarization of the country, internal armed conflict, the extreme poverty of its peoples and the de facto practice of racial discrimination against the indigenous population. The existence of a powerful military required the investment of a great part of the national budget, to the detriment of the basic needs of the people; while the military received 45 per cent of the national budget, for example, education received only 5 per cent. The militarization of the countryside impeded the free flow of the few goods that the people were able to produce themselves. Mayas had practically no access to education, despite the provision in the Constitution that education was a right for all Guatemalans. It should be borne in mind that for the Mayan people, as for all indigenous peoples, land not only had an economic importance but also constituted a spiritual relationship. Lack of access to the land eliminated, for all indigenous peoples, the possibility of cultural as well as economic development. Moreover, the Guatemalan security forces were conducting a policy of repression against those who investigated and reported on the situation; the social scientist Myrna Mack had been assassinated and her colleagues in the AVANSCO Institute were subjected to death threats.

33. Many indigenous nations had no control over the resources necessary to implement development policies. In the United States of America, for example, Indian peoples were condemned to the lowest economic stratum of that country. In Hawaii traditional lands had been stolen from native Hawaiians and, since 1893, they had been subjected to rule by non-Hawaiians. Stolen lands had never been returned. Native Hawaiians had the lowest standard of living of any racial group in the United States. The situation of Americans of African descent was also deplorable. Statistics indicated that they existed as a cognizable people whose rights to development had been historically denied.

34. The International Indian Treaty Council congratulated the Working Group on Development on its work. The Council had participated in the first meeting of the Working Group and welcomed its report to the Commission. It wished to stress, however, that the development of indigenous peoples was intimately linked to the degree of autonomy that they enjoyed in planning and administering all their economic, social, cultural and spiritual affairs. Lastly, he recommended that the Working Group should consider the environmental dimension of development, emphasizing the responsibility of humankind to the Mother Earth.

35. Mr. FORSTER (International Work Group on Indigenous Affairs - IWGIA) said that the military blockade of the island of Bougainville, maintained by the Government of Papua New Guinea since 22 April 1990, denied a large percentage of the population its basic needs and rights. In order to reclaim the Panguna mine, which the people themselves had closed in 1989 in defence of their environment and culture, the Government was depriving the people of Bougainville of their economic, cultural, social, political and civil rights by denying them the most basic needs, such as medicines and clothing. The only human right that the population of Bougainville would not give up was their right to self-determination. Many would rather die than enter into the unconditional surrender demanded by Papua New Guinea before the Government would undertake any further consideration of the basic human rights and fundamental freedoms for the island's civilians. What the people of Bougainville were defending was their national wealth and resources, which extended far beyond merely the Panguna mine which Papua New Guinea so coveted. The time for the exploitation of peoples and their natural resources should be long past; it should be replaced by respect for the International Bill of Human Rights and the instruments that stemmed from it.

36. That situation in Bougainville had been condemned both by such non-governmental organizations as Médecins sans frontières, Amnesty International, the International Commission of Jurists and the International Committee of the Red Cross, which deplored the denial of the most elementary humanitarian law and the use of killings and torture, and by a Member of the Papua New Guinea Parliament itself, Mr. Narakobi, who had claimed that the Government was more concerned with the interests of mining companies than with the lives of the people of Bougainville and that it was seeking a military solution. He had reminded the Parliament that Bougainville had been part of the British Solomon Islands and that the idea of secession had existed long before the conflict over the mine. The IWGIA representative criticized the Government's attempt to imply that it was succeeding in gaining control over the Bougainville people by virtue of the fact that an increasing number were moving into government care centres. The reality was that, having lost everything, the people had no other choice. Moreover, there were inadequate food and medicines within the care centres themselves.

37. The Commission should help to put an end to the situation. It would not require the expenditure of billions of dollars if the Commission followed the IWGIA's recommendation and requested the Secretary-General to appoint a special representative to begin an immediate dialogue with the Papua New Guinea Government and other parties to the conflict in order to instigate a process of peace and the restoration of basic human rights and fundamental freedoms to the people of Bougainville.

38. Mr. YAMBAO (Observer for the Philippines), speaking in exercise of the right of reply, said that, contrary to the claims by the representative of the World Alliance of Reformed Churches, the Government of the Philippines was attempting to resolve the enormous problems of poverty and to bring about civil peace by dint of policies which were already bearing fruit, as the international community had recognized. The Committee on Economic, Social and Cultural Rights had been informed of the allegations on housing conditions and a reply would certainly be forthcoming in good time, within the context of the Philippines' reporting obligations. As for the allegations of massive and planned evictions in accordance with the Urban Development and Housing Act, he said that such evictions were resorted to only when they were required on security grounds and only when a court order existed to that effect.

39. With regard to the debt problem and the main consequence arising from it - poverty - he explained that the Philippine Government had undertaken to honour its international obligations for the sake of its international credit ratings, but while it had chosen to play by the rules it none the less appealed to those making the rules to change them or attenuate their rigours. With regard to the Civilian Armed Forces Geographical Units (CAFGUs), he said that they were desired by local government. Moreover, according to the United States State Department's report on human rights for 1993 there had been a decrease in human rights violations in the Philippines, while killings attributed to the CAFGUs illustrated the role of inter-tribal hostility.

40. Contrary to the misleading interpretation of the representative of the World Alliance of Reformed Churches, the Philippines 2000 Plan sought sustainable development and aimed to improve the lives of the Filipino people, especially the underprivileged and the indigenous minorities. It had been the object of debate in the free press, the opposition - which was encouraged and protected - had been able to express its views on the matter and it had the support of the freely elected legislature of the Philippines.

41. Mr. MIRANDA CASTILLO (Observer for Nicaragua), speaking in exercise of the right of reply, said that, contrary to the contentions of a non-governmental organization, economic liberalization measures were not impeding the realization of the right to development and the exercise of economic, social and cultural rights. Since 25 April 1990, Nicaragua had embarked on a project for genuine social change. It was a question of passing from an authoritarian system to a democratic system, which meant a conversion from a centralized economy to a market economy. The transition was being effected by a programme of stabilization and economic and structural adjustment, a necessary therapy given the sorry state of the Nicaraguan economy. The annual rate of inflation, for instance, had risen to 43,000 per cent by the end of the 1980s, and the debt to some $10 billion, the highest per capita rate in history.

42. The Government, however, concerned about the repercussions of those unavoidable measures on the most vulnerable segments of the population, had set up two emergency programmes to safeguard social benefits, one administered by the Emergency Welfare Fund and the other by the Fund for Disadvantaged Sectors. The Committee on Economic and Social Rights before which this situation had been outlined had, in fact, recognized the problems Nicaragua was facing and commended the frankness of the country's report. He took issue

with assertions that the adjustment measures sought to curtail the people's economic and social rights. It was unfortunate that the body which took such a critical stance towards the current Government had not shown the same zeal in criticizing the denial of civil and political rights resulting from the policies of the preceding decade.

43. Mr. SARNA (India), speaking in exercise of the right of reply, referred to the criticisms made of the Narmada Basin project. The project had a long history, having been conceived in the 1950s and planned in the 1970s and 1980s, and legally declared feasible from the technical-economic and environmental point of view. The benefits of the project were impressive: 1,450 MW of hydro-electric power, 1.8 million hectares of land irrigated and 32.5 million people supplied with drinking water in a drought-prone area, flood protection for 30,000 hectares, 700,000 man years of employment during the construction period and 600,000 man years in the subsequent period. To deal with the persons affected by the project, the measures adopted by the state governments concerned went beyond the requirements. Each landed person would receive a plot of irrigated land and each family a house plot, their resettlement would be subsidized and they would receive compensation for loss of land and houses. Many of the inhabitants of the region would be far better off after the work was done, and, as the studies had indicated, the project's favourable impact would far outweigh its unfavourable impact.

44. The CHAIRMAN said that the Commission had concluded its consideration of items 7, 8, 15 and 16.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 13) (E/CN.4/1994/62*)

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 18) (E/CN.4/1994/72, 92 and 107, E/CN.4/1994/MGE/20, E/CN.4/Sub.2/1993/34 and Add.1-4, A/48/509 and Add.1)

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 20) E/CN.4/1994/79, 80 and 105, E/CN.4/1993/62)

45. Mr. AMOR, Special Rapporteur to review the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, informed the Commission of the conclusions drawn from the review of the implementation of the Declaration in 27 States and in the former Yugoslavia. There had been significant advances in religious tolerance and non-discrimination in certain countries, notably in Eastern Europe, Albania and Bulgaria; and the complexity of the problems sometimes explained why the pace could be slow. In many other countries, however, religious tensions and acts of intolerance and discrimination were a regular occurrence and, even if they were not always carried out by the State, the State bore full responsibility for them.

46. With a decided emphasis on dialogue, care must be taken not to give States the impression that they were being criticized on grounds other than to human rights, lest they harden their positions. Together with a show of

patience, there must be a determined deliberateness and open-mindedness. Dialogue could be initiated in the context of normal procedures but also as part of emergency procedures, as had happened during the current year. Dialogue could be pursued through traditional channels but also during on-site visits; the invitation of the Sudanese Government which he himself had accepted being a case in point. He intended once more to approach those States which had not answered his request for an invitation, since he was anxious to reassure them so they would not feel they were being singled out and use that as justification for their refusal or their reluctance to cooperate with the international community. Certainly a singling-out could not justify refusal or evasion, any more than universalism could be the pretext for establishing other grounds for singling-out.

47. The discussion should go beyond incidents and decisions relating to acts and situations of intolerance and discrimination; he proposed that some thought might be given to four points that might make it possible to narrow down the context within which religious freedom and intolerance operated. First, the triad of human rights, democracy and development was indivisible, and any selectivity in that area would to varying degrees, favour human rights arguments on shaky grounds.

48. Secondly, hatred and intolerance could lead to situations likely to threaten international peace and security and jeopardize human rights and the right of peoples to peace as it was set out in the 1984 Declaration on the Right of Peoples to Peace. Peace was endangered by religious extremism, regardless of the religious allegiance, and regardless of whether it was latent or actively violent. Thus, an in-depth study of the causes and effects of religious extremism - in the immediate future but also beyond - was essential, in order to establish at least a minimum set of common rules and principles of behaviour in that regard.

49. Thirdly, since intolerance and discrimination were born of the human spirit, education was the best bulwark against them, for it could help interiorize values centred on human rights and foster tolerant behaviour and a genuine human rights culture. Special attention must therefore be given to having textbooks and curricula convey ideas on religious freedom and tolerance. A survey should be made on the subject that would allow the establishment, especially in conjunction with the specialized institutions, of an international strategy for schools and of what might be termed a minimum common programme of tolerance and non-discrimination. It was certainly in the international community's interest to prevent intolerance and discrimination rather than to keep them in check.

50. Fourthly, the Special Rapporteur's assignment to identify and assess the facts having to do with religious freedom, required a great deal of prudence, vigour and objectivity. To collect and process such data, he should be given the necessary resources - in staff and equipment - to fulfil all the requirements of his mandate; yet the resources available to him were on the whole, to be quite honest, distressingly limited, and such a state of affairs could impart his credibility and his freedom of action. He therefore needed more resources. Furthermore, long-term activities must be defined and rationally planned so that action could prevail over reaction and the right to

peace of all individuals and all peoples could be protected from religious extremism, which he saw as an insult to human intelligence and divine wisdom.

51. Mr. SCHWARTZ (United States of America) considered that the problem of religious and ethnic intolerance arose from the fact that human beings seemed unable to accept someone else's right to be different. The emergence of nationalism and pseudo-scientific racism in the last two centuries had introduced their own horrors; one needed only to mention the murder of millions of Jews, Gypsies, Poles and others by Hitler, Iraq's suppression of the rights of the Kurds, or ethnic cleansing in the former Yugoslavia.

52. The revolutionary transformations that had occurred in recent years, whether in the newly independent States in the former Soviet Union, in central and eastern Europe, in South Africa, in Latin America or in Asia raised new hopes that democracy, development and respect for human rights could be achieved. In many countries, however, those hopes risked being dashed by the spread of hatred and resentment among the different national, religious and linguistic minorities.

53. Those problems were not new and they were occurring everywhere. Americans would always bear the shame of the near extermination of Native American populations in North America. Racial prejudice still burdened the black minority in the United States and other Americans, of Asian, Jewish, Catholic and Hispanic origin, also confronted various forms of discrimination. However, for over a hundred years, the United States had been endeavouring to resolve those problems, with varying degrees of success, to be sure. But most Americans had come to realize that the strength of their nation was in diversity and in so far as the United States had succeeded, it was richer for it. Certainly the situation was easier in the United States than in some other countries. People came to America because they wanted to be Americans. In many other countries, people had not had that kind of choice. Throughout the centuries, war and upheavals had thrust national, ethnic, religious and other groups from States in which they had been in the majority into States where they had become minorities. The majority groups not infrequently had abused their power over the minority groups, breeding resentment and a yearning for vengeance. If it was also borne in mind that the groups which found themselves in a weaker position were often not very far from their motherland, itself often embittered by the loss of part of its population and territory and quick to respond to what it perceived as the abuse of the rights of its fellow nationals abroad, one could see how easy it was for demagogues to stir up tensions capable of sparking off international conflicts. In that way the old grievances came to the surface: Russian nationalists blamed Russia's troubles on the Jews; Ukrainian nationalists blamed that nation's troubles on the Russians; Serbs denied ethnic Albanians their rights in Kosovo; Turkish workers were targets for skinheads in Europe; ethnic and religious tensions continued in South Asia; and almost all countries discriminated against and harassed the Romany people.

54. To its credit, the world community had begun to take some steps. In a variety of international instruments, it had condemned discrimination of any kind. Further, it had urged States to take affirmative action to promote ethnic, linguistic and other diversity in schools, public institutions and the communications media. As the Special Rapporteur on ways and means of

facilitating the solution of problems involving minorities had pointed out in his report to the Sub-Commission (E/CN.4/Sub.2/1993/34), international instruments also called upon States to take measures to counter the effects of private discrimination. Further, it was gratifying to see that most of the new constitutions adopted by the States of the former Soviet bloc contained bans on discrimination and a commitment to promote the rights of persons belonging to minorities.

55. The Commission could not resolve century old problems on its own. It could, however, take some meaningful steps. For instance, it should encourage the newly designated United Nations High Commissioner for Human Rights to devote careful attention to minority issues, in close cooperation with the Centre for Human Rights. The Centre's technical assistance and advisory services could play a significant role in the area of minority rights. A mediation service might be established in that context. Further, the High Commissioner should be encouraged to establish close working relationships with the various regional bodies, some of which, like the Conference on Security and Cooperation in Europe (CSCE), were already dealing with minority issues. Lastly, consistent with paragraphs 64 and 65 of Mr. Eide's recommendations (E/CN.4/Sub.2/1993/34/Add.4), the High Commissioner should also be encouraged to work closely with non-governmental organizations, which often had closer links with the various groups concerned. He stressed that it was important not to allow oneself to become discouraged by the difficulty of the problems and, quoting the late President Kennedy, he concluded by saying that if peoples could not end their differences, at least they could help to make the world safe for diversity.

56. Mr. CHOEGYAL (China) pointed out that the population of the world now stood at more than 5 million and was composed of more than 8,000 nationalities and ethnic groups. The maintenance and promotion of solidarity and harmony among different nationalities had become an important issue for the international community. China welcomed the adoption by the General Assembly, at its forty-seventh session, of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. His delegation had carefully studied the documents compiled under agenda item 18 and, in particular, the replies submitted by States to the Secretary-General. It would seem that many countries were making great efforts to safeguard and guarantee the rights of persons belonging to minorities. However, one should not lose sight of the fact that today some regions in the world were beset by confrontations among nationalities, that incidents involving xenophobia occurred regularly and that, consequently, the rights and fundamental freedoms of millions of people were seriously violated. China hoped that the Commission would study that question and take effective measures to contribute to the promotion of solidarity and harmony among all nationalities and ethnic groups.

57. China was a unified State with 56 nationalities. The Han nationality accounted for almost 92 per cent of the total population. The Chinese Government attached great importance to the question of nationalities and had set up a legal and political system that took account of the situation prevailing in the country. The equal status and rights of all nationalities was a basic principle stipulated in China's Constitution. In a multinational country, the strengthening of solidarity and harmony among all nationalities

was not only vital for the stability and development of society as a whole, but also directly affected the progress of the various nationalities themselves. Therefore, the Government enacted laws and took specific measures to guarantee participation by minorities in the administration of the State and the management of local affairs.

58. The Chinese Government had always emphasized the importance of helping the national minorities to develop their economy, their culture and their social infrastructures, particularly those areas inhabited by minorities whose level of social and economic development was lower than that of the rest of the country. Regional autonomy was an important aspect of the political system for the protection of minority rights. Under the unified leadership of the Central Government, organs of self-government were set up to administer local affairs and internal matters in areas where national minorities were concentrated. At the present time, there were 5 regions, 30 autonomous prefectures and 124 autonomous counties which altogether covered 64 per cent of the total territory of China. Finally, China followed the rule of law. Promotion and respect of the rights of national minorities guaranteed by means of legislation were very important for maintaining the equal status of all nationalities.

59. China's experience over the past four decades had shown that its policy on nationalities had been successful. In the context of a process of reform, of opening up to the outside and of establishing a socialist market economy, the Chinese Government and all the nationalities forming the population of China would continue their efforts to promote the welfare and prosperity of all the inhabitants of the country, to realize a higher level of democracy and to extend further the scope of fundamental freedoms and human rights.

60. Mr. HALINEN (Finland), speaking on behalf of the Nordic countries, said that minorities suffered from discrimination in many countries. The tragedy which had occurred in areas of the former Yugoslavia illustrated the need to combat xenophobia and intolerance before they turned into ethnic cleansing and genocide. Problems related to minorities persisted throughout the world but, as a result of the transition that was taking place in Europe, a number of those problems had become acute and there was a risk of escalation. The Nordic countries were concerned, in particular, at the lack of protection of the human rights of many minorities, including the Roma, in many countries. The United Nations, Governments and the various international organizations must continue to focus attention on the problems of minorities and the question should be placed high on the Commission's agenda.

61. The Nordic countries welcomed the report submitted by Mr. Eide to the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1993/34 and Add.1 to 4). The recommendations presented constituted a very comprehensive set of proposals and guidelines for solving conflicts between minorities and States. The Nordic countries trusted that Mr. Eide's study would be considered thoroughly in the various international forums and that its recommendations would be implemented by the relevant United Nations organs. Many of the recommendations could also be put into effect by States directly, provided the political will was there. The Nordic countries would further stress the importance of adopting an integrated approach when dealing with human rights, development, democracy and security.

For instance, the substantial amount of information obtained by human rights treaty bodies should be used to prevent conflicts.

62. The Nordic countries considered that the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities was an important step towards furthering the understanding that States were multi-ethnic societies. The Declaration contained significant principles that could be translated into national legislation and bilateral and regional agreements. The implementation of the Declaration would contribute significantly to the prevention of conflicts involving different communities within States. At the regional level too, important steps had been taken to advance the rights of minorities. Within the framework of the Council of Europe, the Nordic countries were participating in the drafting of a framework convention on the protection of minorities and a protocol complementing the European Convention on Human Rights in the cultural field with provisions that guaranteed individual rights, particularly for persons belonging to national minorities. The most comprehensive provisions on national minorities had been adopted within the framework of the CSCE. At the 1992 Helsinki Summit, the participating States had committed themselves to addressing national minority issues in a constructive manner, through dialogue among all parties, including through democratic participation in decision-making and the creation of consultative bodies at the national, regional and local levels. At that meeting the post of High Commissioner for National Minorities had also been created. The dialogue to which the participating States of the CSCE had committed themselves should also be encouraged within the United Nations organs and all the minorities. In that connection, the Nordic countries welcomed Sub-Commission resolution 1993/43 which recommended that the Commission should use the proposal submitted in recommendation 44 of Mr. Eide's report to the effect that a working group on minority issues, open to representatives of both Governments and minorities, should be established.

63. Mr. YOUSIF (Observer for Iraq), speaking in exercise of the right of reply, said that the United States maintained a hostile attitude towards Iraq. The United States delegation never missed an opportunity of referring to the problem of the Iraqi Kurds who, according to it, were the victims of discrimination in Iraq. The United States seemed to forget that the Kurdish population of other countries in the region were the victims of human rights violations and of real attempts at genocide. Iraq was a country where the various constituent elements of the population lived together peacefully. Moreover, the Kurdish population in Iraq had been granted autonomy. In fact, it was the United States which had opposed, with arms, the autonomy enjoyed by the Kurdish population, by occupying the Kurdish Autonomous Region. What was more, the United States continued to commit aggression against the entire Iraqi people, through the embargo. His delegation would make a special statement under agenda item 12 to show how the United States broke up countries in which it intervened, on the pretext of defending minorities.

The meeting rose at 6 p.m.